



Ifw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ATTN: OFFICE OF PETITIONS

ARAKI, Takako

BOX DAC

Serial Number: **10/520,280**

Group Art Unit: **2627**

Filed: **January 27, 2005**

Examiner: **Linh Thi NGUYEN**

For: **DISK PLAYBACK DEVICE**

P.T.O. Confirmation No. **7575**

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

November 20, 2006

**ATTN: OFFICE OF PETITIONS
BOX DAC**

Sir:

The Applicant respectfully petitions the Commissioner to withdraw the holding of abandonment set forth in the Notice mailed November 13, 2006.

In the Notice, it refers to "Applicant's failure to timely file a proper reply to the Office letter mailed on 06 [July] April 2006.

Applicant's representatives did not receive a copy of the Office Action dated April 6, 2006, as can be seen by the attached copy of our PTO log book for the period from April 6, 2006 to May 1, 2006.

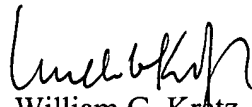
Enclosed are papers printed from PAIR indicating that the mail was returned to the U.S. Patent and Trademark Office because there was not a proper address affixed to the envelope.

The Applicant further petitions that the petition fee in the amount of \$130.00 be waived on the ground that the holding of abandonment was in error.

However, if a fee is considered to be required in connection with the present petition, please charge such fee to our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP



William G. Kratz, Jr.
Attorney for Applicant
Reg. No. 22,631

WGK/nrp
Atty. Docket No. **050042**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

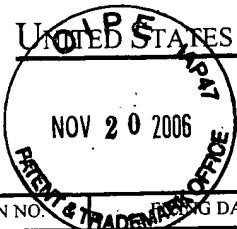


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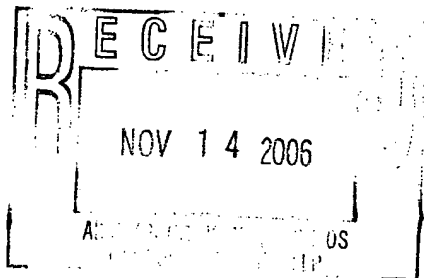


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,280	01/27/2005	Takako Araki	050042	7575

23850 7590 11/13/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006



EXAMINER	
NGUYEN, LINH THI	
ART UNIT	PAPER NUMBER
2627	

DATE MAILED: 11/13/2006

CALL-UP PETITION: DECEMBER 13, 2006

NOTICE OF ABANDONMENT

Please find below and/or attached an Office communication concerning this application or proceeding.

O.A. never received...

DOCKETED	Yes	WF
DATE	11/15/06	

Notice of Abandonment

Application No.

10/520,280

Examiner

Linh T. Nguyen

Applicant(s)

ARAKI, TAKAKO

Art Unit

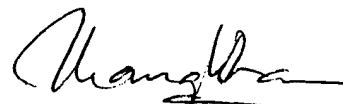
2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

APRIL

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 July 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


THANG X. TRAN
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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10/520,280

Disk playback device

Select New Case	Applications by Attorney Docket	Application Data	Transaction History	Image File Wrapper	Continuity Data
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This application is officially maintained in electronic form. To View: Click the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	i Docu
11-13-2006	Abandonment	PR
07-31-2006	Request for status of Application	PR
05-02-2006	Mail returned to USPTO as undelivered	PR
04-06-2006	Non-Final Rejection	PR
04-06-2006	List of references cited by examiner	PR
04-06-2006	List of References cited by applicant and considered by examiner	PR
04-06-2006	Index of Claims	PR
04-06-2006	Bibliographic Data Sheet	PR
04-06-2006	Search information including classification, databases and other search related notes	PR
03-29-2006	Examiner's search strategy and results	PR
12-29-2005	Mail returned to USPTO as undelivered	PR
12-23-2005	Authorization for Extension of Time all replies	PR
11-07-2005	Request for Corrected Filing Receipt	PR
09-16-2005	Notice of DO/EO Acceptance Mailed	PR
01-27-2005	Transmittal of New Application	PR
01-27-2005	Specification	PR
01-27-2005	Claims	PR
01-27-2005	Abstract	PR
01-27-2005	Drawings	PR
01-27-2005	Oath or Declaration filed	PR
01-27-2005	Fee Worksheet (PTO-875)	PR
01-27-2005	Fee Worksheet (PTO-875)	PR
01-27-2005	Preliminary Amendment	PR
01-27-2005	Claims	PR
01-27-2005	Applicant Arguments/Remarks Made in an Amendment	PR
	Information Disclosure Statement (IDS)	

01-27-2005	Filed	PR
01-27-2005	Foreign Reference	F
01-27-2005	Foreign Reference	F
01-27-2005	Foreign Reference	F
01-27-2005	Foreign Reference	F
01-27-2005	Certified Copy of Foreign Priority Application	PR
01-27-2005	Bibliographic Data Sheet	PR
01-27-2005	Claims Worksheet (PTO-2022)	PR
01-27-2005	Miscellaneous Internal Document	PR
01-27-2005	Documents submitted with 371 Applications	PR
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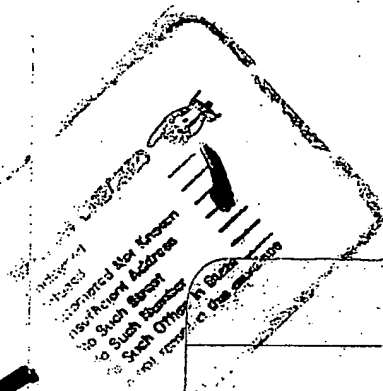
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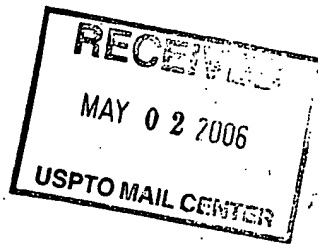
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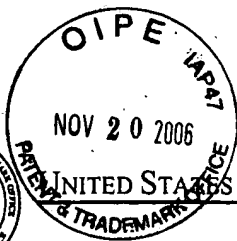


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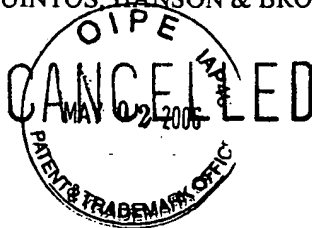
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,280	01/27/2005	Takako Araki	050042	7575

23850 7590 04/06/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006



EXAMINER

NGUYEN, LINH THI

ART UNIT PAPER NUMBER

2627

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No. 10/520,280	Applicant(s) ARAKI, TAKAKO	
	Examiner Linh T. Nguyen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being unpatentable by Nanba et al (US Patent number 5796704).

In regards to claim 1, Nanba et al discloses a disk playback device (Fig. 3A-B) capable of reproducing signals (Fig. 3A, element 68) from a disk by irradiating the disk with a laser beam from an optical head (Fig. 3A element 12), the disk playback device comprising a laser drive circuit (Fig. 3A, element 64) capable of feeding a drive signal to the optical head (Fig. 3A element 64 connected to element 12 of the laser diode 22) and adjusting a power of the laser beam irradiated (Fig. 3B, element 38) by the optical head and a control circuit for controlling operation of the laser drive circuit (Fig. 3A-B, element 38 is connected to 64 laser driving circuit), wherein the control circuit comprises reproduction power optimizing means (Fig. 3B, element 74) for repeatedly optimizing the power of the laser beam for signal reproduction (Column 7, lines 30-33), and the reproduction power optimizing means comprises: evaluation data detecting (activation control element) means for detecting evaluation data representing quality of a signal reproduction state (Fig. 4, signals E1, E2, E3, and E5, are inputted in element 78 to compare with a predetermined value, therefore, evaluating the signals for quality

(Column 8 lines 1-20)); retrieving means for retrieving one boundary value (Fig. 6, point 108) of two boundary values (Fig. 6, point 112) of a reproduction power wherein the evaluation data is a prescribed value (W_c) or in the vicinity of the prescribed value (Fig. 5 and Fig. 6); and optimum reproduction power calculating means (Fig. 4, element 85) for calculating an optimum reproduction power based on the one boundary value retrieved (based on ΔW the boundary value would be retrieved according to Fig. 5 and Fig. 6), wherein the retrieving means retrieves a new boundary value based on a boundary value obtained by a previous optimizing processing (Fig. 8, boundary value W in step S6 is used to calculate the next optimum value because the step is return to the S1).

In regards to claim 2, Nanba et al discloses a disk playback device according to claim 1, wherein the retrieving means retrieves a lower boundary value having a smaller value from the two boundary values (Fig. 8, S4), and the optimum reproduction power calculating means adds a predetermined value to the lower boundary value to thereby determine the optimum reproduction power (Fig. 8, S5).

In regards to claims 1/3 and 2/3, Nanba et al discloses a disk playback device, wherein the evaluation data is a frequency of occurrence of bit errors included in a reproduced signal (Fig. 10).

In regards to claims 1/4 and 2/4, Nanba et al discloses a disk playback device,

wherein the disk playback device comprises temperature detecting means (Fig. 4, element 84) for detecting a temperature of the disk, and the reproduction power optimizing means optimizes the reproduction power whenever the temperature of the disk varies by a predetermined temperature (Fig. 7, S9-10).

Conclusion

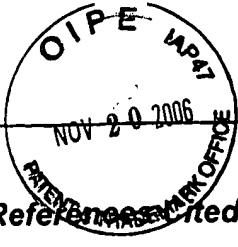
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
March 28, 2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER

**Notice of References Cited**

Application/Control No.

10/520,280

Applicant(s)/Patent Under
Reexamination
ARAKI, TAKAKO

Examiner

Linh T. Nguyen

Art Unit

2627

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,796,704	08-1998	Nanba et al.	369/53.12
*	B	US-6,392,970	05-2002	Fuji et al.	369/47.5
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	Q					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



10/520280

DT05 Rec'd PCT/PTO 27 JAN 2005

INFORMATION DISCLOSURE STATEMENT PTO-1449	Atty. Docket No. 050042	Serial No. New Application
	Applicant(s): Takako ARAKI	
	Filing Date: January 27, 2005	Group Art Unit: Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Name	Date	Class	Subclass	Filing Date (If appropriate)
<u>in</u>	AA	5,796,704	Y. Nanba, et al.	08/18/98		
<u>in</u>	AB	6,392,970	H. Fuji, et al.	05/21/02		
	AC					
	AD					

FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Translation (Yes or No)
<u>in</u> AE	8-221760	08/30/96 Japan	No-Cited in the International Search Report
<u>in</u> AF	11-53781	02/26/99 Japan	No-Cited in the International Search Report
<u>in</u> AG	0 905 685 A1	03/31/99 EP	
<u>in</u> AH	11-149641	06/02/99 Japan	No-Corresponds to EP 0 905 685 A1
	AI		

OTHER DOCUMENTS

<u> </u>	AJ	
<u> </u>	AK	
Examiner <u> </u>	Date Considered	<u>3/29/06</u>